

#### D. REMARKS

This amendment has been timely filed within the time limits for reply under the Certificate of Mailing procedure established by 37 C.F.R. § 1.8. Care has been taken to comply with the latest amendment form requirements resulting from changes to 37 C.F.R. 1.121, March, 2003. A new Power of Attorney and a 37 C.F.R. § 3.73 statement are enclosed.

Proposed amendments to drawing Figures 10 and 11 are presented through the enclosed Letter to the Chief Draftsman. Figure 11 has been numbered, and an additional reference numeral in Figure 10, i.e., No. 71, has been added. No new matter prohibited under 35 USC § 132 has been added.

In remaining claims 11-13, newly added by this amendment, the invention has been more clearly defined, and it is distinguishable from the prior art. The most important function of the device is to allow an operator to move the motor vertically, to select a given height, while concurrently allowing automatic vertical response to impact with an underwater obstacle. To this effect, there is a spring system as recited that eases operation.

The claimed ratchet system elements are explained in the text, and particularly the amended text. The ratchet is illustrated in Fig. 11, for which drawing correction permission is solicited. The various ratchet elements are numbered in red ink on the enclosed drawing sheets.

The prior art references show various transom plate motor mounts, but none have this particular combination that allows vertical elevation selection by the operator, all the while preserving the automatic feature of vertically moving the motor away from underwater obstacles. This is an important feature of the invention and is recited in the claims. For example, note the language:

“... a displaceable lift bar transversely that operates independently from said linkage means and extends beneath the linkage means for selectively contacting said linkage means to manually displace the motor mount...”

The lift bar as disclosed is a separately acting device that is not mechanically wedged to the linkage means or any of the linkage bars. It is selectively actuatable in that an operator can use it without interfering with or obstructing the ability of the linkage to move the motor up when a subterranean collision occurs. The ratchet system allows a preselected vertical elevation selected by the operator via the handle to be established, which the spring system aids in selecting. The

transverse lift bar freely and independently extends beneath the linkage that connects the transom plate and the motor mounting plate. The construction as recited in the claims allows the motor mount and the boat motor mounted upon it to deflect upwardly and prevent harm upon underwater contact, no matter what vertical operating position the motor mount has previously assumed (i.e., as selected by operator movement of the handle). Although these initial elevation selections forced by the handle are temporarily yieldably locked into position by the ratchet as discussed, the motor is still free to deflect upwardly in response to a collision. Further, motor elevation changes are synergistically eased by the spring system as discussed and claimed.

Accordingly it is believed that the claims conform to 35 U. S. C. §§ 102 and 103. Permission to change the drawings is requested, and as this case should be in condition for allowance, and a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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Encls: Letter to Chief Draftsman; Red inked drawing change sheet; Power of Attorney; 37 cfr § 3.73 document and assignment copy, PTO recorded assignment info sheet

**CERTIFICATE OF MAILING (37 C.F.R. §1.8)**

The undersigned attorney hereby certifies that the foregoing Amendment and all appurtenant enclosures, if any, is/are being deposited with the United States postal service, first class postage pre-paid, in an envelope addressed to Commissioner for Patents, MAIL STOP: NON-FEE AMENDMENT, P. O. Box 1450, Alexandria VA 22313-1450 on December 6, 2004.



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